

REMARKS

Statement of Substance of Interview

On October 14, 2008, the undersigned attorney initiated a telephone interview with Examiner Hall to discuss the Examiner's "Response to Arguments".

The attorney particularly questioned the Examiner's assertion that, "Arranged in succession along the syringe axis is given the same broadest reasonable interpretation as around the syringe axis as shown in the prior art Barrington".

Since the Examiner maintained this "interpretation", the attorney proposed the above amendments to the language of claim 1 in order to avoid any superficial readability of claim 1 on Barrington's disclosure. The attorney pointed out that these amendments do not raise a new issue which would require any further consideration and/or search.

No agreement was reached.

* * *

Applicant wishes to thank the Examiner for the telephone interview so courteously granted by the Examiner to the undersigned attorney on October 14, 2008.

Applicant hereby incorporates by reference all of Applicant's previous REMARKS presented in the Amendment filed on January 28, 2008.

Thus, the present Amendment addresses the Examiner's Response to Arguments and the telephone interview, whereby claim 1 has been amended to avoid any superficial readability on (anticipation by) Barrington. In other words, as previously argued, claim 1 avoids any readability on Barrington by requiring that the two surfaces (50A and 56A) are arranged in succession along the syringe axis "from the back to the front thereof".

This claim language clearly is not readable on Barrington's surfaces 42, 43 which are carried by the half-nut and arranged around the half-nut, which means around the syringe axis, and not along the syringe axis from the back to the front thereof, as now explicitly required by claim 1.

Thus, since there is no readability of claims 1-5, 8 and 9 on Barrington, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. §102(b).

In view of the above described deficiencies in Barrington's disclosure with respect to the parent claim 1, it is clear that Barrington also must fail as a primary reference in the two rejections under 35 U.S.C. §103(a). In other words, Spool and Dixon do not make up for the deficiencies in Barrington's disclosure, and the Examiner does not assert otherwise. Therefore, Barrington in view of Spool or Dixon does not disclose or even suggest all of the limitations of the dependent claims 7 and 10, whereby, Applicant also respectfully requests the Examiner to reconsider and withdraw the two rejections under 35 U.S.C. §103(a).

In summary, then, and for the reasons explained above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. §102(b) and 103(a), and to find the application to be in condition for allowance with all of claims 1-10.

The proposed amendments do not raise any new issues which would require further consideration and search by the Examiner as the proposed amendments to claim 1 were previously argued by Applicant. These proposed amendments to claim 1 were not earlier made because they were not considered necessary or even desirable until the final Office Action interpreted the words "along the syringe axis" to be readable on "around the syringe axis" of Barrington.

Request for Interview

If for any reason the Examiner feels that the application is not now in condition for allowance with all of claims 1-10, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an extension of time of two months.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

/John H. Mion/
John H. Mion
Registration No. 18,879

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 14, 2008